

**Town of Mount Desert  
Special SelectBoard Meeting Minutes  
Meeting Room, Town Hall  
9:00 AM, March 19, 2020**

**I. Call to order at 9:00 AM**

This is a remote conferencing meeting, due to the COVID-19 virus and efforts to remain isolated.

SelectBoard members Chair John Macauley, Martha Dudman, Matt Hart, Rick Mooers, and Wendy Littlefield were in attendance via remote conferencing.

Town Manager Durlin Lunt, Tax Assessor Kyle Avila, and Police Chief Jim Willis were present.

Other Town Personnel and members of the Public were in attendance via remote conferencing.

Town Manager Lunt made note of the effects of the COVID-19 virus on the meeting and the Town's efforts to react effectively to it. Town Staff will meet later in the day to review emergency plans to ensure there are no conflicts or concerns. The SelectBoard will be informed by email how operations such as obtaining Board signatures will happen moving forward. Manager Lunt explained voting procedures

**II. New Business**

**A. Approval of COVID-19 Emergency Action Plan**

Police Chief Jim Willis referred to the Draft Emergency Personnel Policy included in the SelectBoard packet. This document was created through Staff input and the Town's Legal Counsel. State Emergency Legislation recently passed is also incorporated into the document. The document is an effort to explain how the Town of Mount Desert will continue to provide municipal services to the community. The Policy requires SelectBoard action to vote it into action.

Ms. Dudman asked about the cancellation of all non-emergency municipal meetings, and whether that includes SelectBoard meetings. Are SelectBoard meetings considered emergency, as they are overseeing the process? Chief Willis noted that regular meetings where the Board comes together in person are cancelled. Any meetings held will be done so via virtual methods. The emergency meeting suggestions stated in the policy were included on the advice of the Town Attorney.

Ms. Dudman inquired about authorizing the Town Manager to make changes to the Town's operational personnel policies. What exactly will those changes include or exclude? Chief Willis noted that after meeting with Public Safety personnel and Town Office staff, it was clear that a determination was necessary regarding exactly where the Town gets the authority to operate. The Board can enact an Emergency Personnel Policy. The section Ms. Dudman refers to was included in order to allow the Town to act and react more quickly if necessary. The Personnel Policy dictates everything from leave time to duties and responsibilities. The Emergency Personnel Policy once approved will allow the Town Manager to make changes as he deems appropriate. The Emergency Personnel Policy clarifies the Town Manager's authority.

1 Mr. Mooers offered an example of the Town Manager's new authority - if a Department Head  
2 became ill with the COVID-19 virus and another employee was required to step into a temporary  
3 supervisory role. The regular policy requires a certain number of days an employee acts as  
4 interim supervisor before a pay increase can occur. This Emergency Personnel Policy will allow  
5 the Town Manager to waive that rule and authorize a pay increase to an employee acting in a  
6 temporary supervisory capacity. There are a number of things in the Personnel Policy with  
7 restraints and restrictions in place. This Policy will allow the Town Manager to override those.  
8

9 Mr. Hart asked about the language in the Emergency Personnel Policy allowing the suspension of  
10 all deadlines in the submittal of all Applications and Permits of any type. Will this include things  
11 like liquor license renewals? Will this mean such a license would not be considered by the Town  
12 at this point? Chief Willis felt it meant the Town may not be able to provide the service of  
13 approving a license or permit, and that a license or permit will not be required during this time.  
14 For example, the Town's CEO with regard to required plumbing inspections, may prefer to tell  
15 contractors that in the interest of public health and her own health to go forward with the work  
16 without an inspection. The Emergency Personnel Policy will give her the authority to do so. Mr.  
17 Hart wondered about approving liquor licenses and special amusement permits remotely. Chief  
18 Willis felt that the policy was saying that at this point in time people do not need the permit.  
19

20 Town Clerk Claire Woolfolk reported that the State Emergency Legislation recently enacted  
21 stated that any permit/licensing renewals during this period of emergency are being extended for  
22 30 days beyond the end of the emergency. She felt that would include liquor licenses.  
23

24 Chair Macauley stated that the powers being given to the Town Manager at the point it is voted  
25 on will include the ability to make small changes as the Town moves forward. Manager Lunt  
26 noted that with guidance coming from the State, the Town should be able to move forward  
27 effectively, despite the changes being required.  
28

29 Roll-call vote: Macauley – Aye; Hart – Aye, Mooers – Aye; Littlefield – Aye; and Dudman -  
30 Aye

31 The COVID-19 Emergency Action Plan was approved with a vote of 5-0.  
32

33 *B. Northeast Lobster Co. LLC d/b/a The Nor' Easter 10 Huntington Rd, Northeast Harbor*  
34 *request for Liquor License and Special Amusement Permit*

35 This item would be tabled until a process for gathering signatures could be determined. As soon  
36 as the process was determined, the SelectBoard would be notified.  
37

38 Ms. Dudman asked if the Board could vote via email during this time. Manager Lunt would have  
39 to verify on exactly how the Board can vote.  
40

41 *C. Request by the Fire Chief to increase the rate of pay for on-call firefighters filling shifts*  
42 *to the rate of pay for fulltime firefighters, which is a rate of \$26.61 per hour.*

43 Chief Bender will most likely have to rely more heavily on the on-call firefighters. He'd like to  
44 have them paid at the rate of a regular fulltime firefighter. This pay increase will be for the  
45 duration of the emergency.  
46

1 Chief Willis noted that Chief Bender is working closely with other island Fire Chiefs and  
2 ambulance services, to plan in the event that staffing numbers become depleted. This change is  
3 part of that planning; an effort to retain people willing to come to work.

4  
5 Ms. Littlefield hoped to hear from the fulltime firefighters. She asked if the goal was to  
6 accomplish 24/7 coverage for the Town.

7  
8 Firefighter Tom Wallace noted the hope was that starting March 23 the Fire Department would  
9 go to 24/7 firefighter coverage with two crewmembers on duty. Plans have been made for  
10 spending the night at the station and reducing contact with others.

11  
12 Ms. Littlefield encouraged firefighters to reach out with any needs, anticipated or otherwise.

13  
14 Firefighter Wallace noted sleeping quarters for fire and ambulance are separate in an effort to  
15 minimize potential virus contamination. Ambulance personnel are on duty at the Seal Harbor  
16 Fire Station. He admitted there would be inconveniences, particularly staying onsite for 24 hours  
17 with no shower facilities.

18  
19 Harbormaster John Lemoine offered to provide the firefighters with the code for the shower  
20 building that is currently locked down. Chief Willis hoped the Harbormaster could be at the  
21 11:00 AM Staff Meeting to help plan for details such as this.

22  
23 MOTION: Mr. Hart moved, with Ms. Dudman seconding, to approve the proposed increase for  
24 the rate of pay for on-call firefighters filling shifts to the rate of pay for fulltime firefighters,  
25 which is a rate of \$26.61 per hour, as presented.

26  
27 Roll-call vote: Macauley – Aye; Hart – Aye; Mooers – Aye; Littlefield – Aye; and Dudman –  
28 Aye Motion approved 5-0.

29  
30 **III. Other Business**

31 *A. Such other business as may be legally conducted*

32 Public Works Director Tony Smith hoped to postpone the April Cleanup to the week of June 8,  
33 2020, subject to change. He'd like notice of such a change posted on the Town's website.

34  
35 Warrant Committee Chair Phil Lichtenstein voiced his support.

36  
37 MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, that the Town Cleanup be  
38 postponed to the week of June 8, 2020, subject to change.

39  
40 Ms. Littlefield wondered whether having it later would result in more waste than usual requiring  
41 pickup, due to the increased numbers of residents in Town? Director Smith felt Public Works  
42 would deal with it as it happens. So far, Spring Cleanup has never been a problem.

43  
44 Roll-call vote: Macauley – Aye; Hart – Aye; Mooers – Aye; Littlefield – Aye; and Dudman –  
45 Aye Motion approved 5-0.

46  
47 Town Manager Lunt brought up the issue of temporarily relaxing the Sick Leave Policy. The  
48 Sick Leave Policy currently reads that if an employee or a family member are sick, employee

1 Sick Leave may be used. Manager Lunt requests to amend the Sick Leave Policy for the duration  
2 of the COVID-19 emergency to allow employees to use Sick Time if they choose not to attend  
3 work. This is an effort to provide for those employees who feel uncomfortable coming in for any  
4 reason, specific to the COVID-19 virus.  
5

6 Chief Willis hoped that the term “non-essential staff” could be included in that Motion. Public  
7 Safety employees can’t simply stay home, due to the essential nature of their work.  
8

9 MOTION: Ms. Littlefield moved, with Mr. Hart seconding, to amend the Sick Leave Policy for  
10 the duration of the COVID-19 emergency, to allow non-essential employees to use Sick Time if  
11 they choose not to attend work, as presented and amended.  
12

13 Mr. Mooers asked if any thought has been given to addressing the issue of an employee choosing  
14 to stay home and then running out of Sick Leave? Will they be recognized as having paid-  
15 employee status, including accruing vacation and sick time? Under what provisions will they  
16 continue to be paid?  
17

18 Treasurer Mahar proposed that the Board allow the Town Manager to grant Administrative Leave  
19 to employees wishing to stay home. This would allow all to be treated fairly. Having to use  
20 employee Sick Leave may discourage people from staying home.  
21

22 Ms. Littlefield asked if staff have the ability to do their jobs at home. Manager Lunt noted  
23 several are currently doing so. Unfortunately, not everyone has the ability to work from home.  
24

25 Public Works Director Smith pointed out employees who could not do their jobs from home, such  
26 as the garbage collectors, truck drivers, etc. Chief Willis felt it was a matter of working with  
27 Manager Lunt on figuring out which employees are essential to all Town services.  
28

29 Mr. Mooers felt there were a number of issues to be considered. He wondered if the issue could  
30 be tabled until after the 11AM Staff Meeting. It could be discussed there, and procedures could  
31 perhaps be better clarified with regard to the concerns like the possibility of Sick Leave running  
32 out, authorization of Administrative Leave, and any other concerns and questions that arise  
33 through discussion. Once fully addressed it could be brought back to the SelectBoard for a  
34 decision. Otherwise, Mr. Mooers opined that this issue comes under the jurisdiction of the  
35 Emergency Personnel Policy and the Town Manager is now empowered to make that decision.  
36 Ms. Dudman agreed with Mr. Mooers’ assessment; she would like to have more details on the  
37 potential change.  
38

39 MOTION: Ms. Littlefield moved, with Ms. Dudman seconding, to Table the previous Motion till  
40 more information was available. Roll-call vote: Macauley – Aye; Hart – Aye, Mooers – Aye;  
41 Littlefield – Aye; and Dudman – Aye Motion approved 5-0.  
42

43 Manager Lunt promised to return with a more comprehensive proposal.  
44

45 Chair Macauley referred to a letter he received and circulated to the Board. The letter voiced  
46 concern regarding the early return of seasonal residents. Concern was raised regarding the early  
47 opening of Air B&Bs and hotels. He wondered if the League of Towns has discussed how to deal  
48 with this influx.

1  
2 Manager Lunt reported that this month's League of Towns meeting was cancelled. Mr. Lunt  
3 would be willing to poll the other Town Managers to collect their thoughts and opinions. He  
4 wondered if authority for this kind of control might lie with the Governor's office. Ms. Dudman  
5 wasn't sure it was legal to refuse to allow people to come to their summer residence or tell them  
6 they can't rent their available space. Mr. Mooers agreed with Ms. Dudman. Mr. Mooers felt  
7 authority to suspend the civil rights of people as they move around the country was a decision  
8 that lies with the Governor or higher. Chair Macauley felt that the Town and island are less able  
9 to cope with the possibility of a heavy hospital load than other places. He wondered if word  
10 should somehow go out to those thinking about coming early. Mr. Mooers felt that stepping back  
11 and being levelheaded in action was the wise choice in moving forward. The Town may have to  
12 trust that people are taking the advice being provided by the CDC. Mr. Hart stated that deeming  
13 who would or would not be welcome to the island is a decision that should be made at the State  
14 level or higher. He didn't feel this was a conversation the Town SelectBoard should be having.  
15 Ms. Dudman couldn't imagine how such a limitation could be enforced. Chief Willis stated he  
16 had no authority to enforce such a limitation. Ms. Littlefield agreed with Mr. Hart. She  
17 suggested a reply to the email Chair Macauley received noting that the Board is aware of the  
18 issue.

19  
20 No action was taken.

21  
22 Manager Lunt promised to notify the Board when the Sick Leave Policy was ready for action.

23  
24 It was noted the Public is allowed to ask questions at these meetings.

25  
26 MD365 Director Kathy Miller asked about normal day-to-day business at the Town Office, and  
27 how business will occur. Chief Willis noted that staff put together procedures for day-to-day  
28 operations and those have been incorporated into the Emergency Personnel Policy. The Policy  
29 will be available on the website. Additionally, Town Office personnel are available by phone.  
30 Residents should feel free to call with questions.

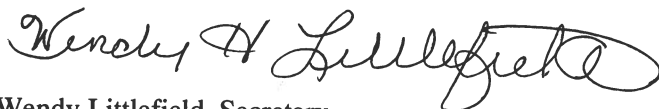
31  
32 **IV. Adjournment**

33  
34 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, adjournment. Roll-call vote:  
35 Macauley – Aye; Hart – Aye, Mooers – Aye; Littlefield – Aye; and Dudman – Aye Motion  
36 approved 5-0.

37  
38 Ms. Dudman thanked the Town's Staff for their hard work during such a difficult time.

39  
40 The Meeting adjourned at 9:40AM.

41  
42 Respectfully Submitted,

43  
44   
45

46 Wendy Littlefield, Secretary